disclosure would tend to incriminate them and they refused to answer. Later the President issued full pardons to both covering any possible crime, which, upon tender, the respondents refused to accept, and persisted thereafter in their refusal. Thereupon the grand jury presented them for contempt. The federal court held that the President has power to grant a pardon, though the person pardoned has never been charged or convicted of the offense; and further held where a witness declining to testify before the grand jury on the ground that his testimony might incriminate him, and the President issued an unconditional pardon, the witness was deprived of the right to claim the privilege, without reference to whether he accepted the pardon or not. United States *v.* Burdick, 211 Federal Reporter 492.

MISCELLANY.

Points in Professional Ethics.—From the New York County Lawyers Association, Committee on Professional Ethics.—Question No. 56. I invite the expression of the opinion of the Committee in respect to the following suggestion about which I have been recently consulted:

A Receiver and his counsel agree to divide their fees, i. e., the Receiver to pay to his counsel one-half of the commissions which the court might allow to him, and the counsel to pay to the Receiver one-half of the amount which the court awarded to him as counsel for the Receiver.

Query: 1. Was this agreement void as against public policy? 2. If not void, was it proper according to proper ethics?

Answer No. 56. In the opinion of the Committee, the agreement is contrary to the proper rules of professional conduct, and it is probably illegal.

Question No. 51. There are some collection agencies in town which are incorporated and which solicit bills for collection. It is their custom to turn over some of them to lawyers for suit. In such cases the collection agency always wishes to deal with a lawyer as if it were his client and wishes collections remitted to it instead of directly to the creditor. In your opinion, is not that method of doing business improper? This question arises frequently and is quite troublesome because, so far as I know, there has been no adjudication of the matter.

Answer No. 51. In the opinion of the Committee, the patron of the collection agency is the client, but the Committee sees no impropriety in the lawyer's complying with the wish of the collection agency in remitting to it; assuming (as the Committee does) that the agency is the authorized agent of its patron to deal in his behalf with the lawyer.

The Church as a Legal Force—Its Influence on the Common Law.

Lord Chief Justice Hale declared "Christianity is part and parcel of the common law." (Scott's Life of Hale, p. 220). Other English justices, writes Dr. Daniel Braxton Turney in the January Case and Comment, have repeated the declaration. But while the church over here has not controverted the statement in form, it has exerted its influence to materially modify its meaning. While blasphemy is indictable by common law, nothing which was said against any church can here be construed as blasphemy.

We claim to constitutionally protect every form of religion without discriminating in favor of any. Perhaps our position is correctly given by John Norton Pomeroy:

"The theory of our national and state Constitutions is that the state, as an organic body, has nothing whatever to do with religion, except to protect the individuals in whatever belief and worship they may adopt; that religion is entirely a matter between man and his God; that the state, as separated from the individuals who compose it, has no existence except in a figure; and that to predicate religious responsibilities on this abstraction is an absurdity. Whatever then the state does, whatever laws it makes touching religious subjects, are done and made not because the state is responsible, but simply that people may be secure in the enjoyment of their own religious preferences." (Pomeroy on Municipal Law, p. 292.)

Half the things which are forbidden by the Ten Commandments —blasphemy, Sabbath desecration, murder, adultery, and theft— are forbidden also by the common law, as well as by express laws on our statutes in every state; yet the Congress of this nation, in both Houses and every general assembly or legislature in the United States, would promptly vote down any bill that could be framed to enact the Ten Commandments, with appropriate penalties for their legislation, as a portion of our statutory legislation. Such a bill would be denounced as utterly unconstitutional and as an infringement of the most sacred safeguards of civil and religious freedom. Yet the overwhelming majority of the law makers would cheerfully and unhesitatingly acknowledge the Ten Commandments as personally binding upon themselves. Several of them would concede, also, that at least half of the Ten are already so absolutely contained in the common law as received among us, that their infraction would be occasion of indictment and proper punishment. But the Church has so thoroughly indoctrinated American society that religious liberty rests in freedom of conscience and in the right to exercise religious and political choice without abridgment or compulsion, that no lawmaker among us would dare to offer a bill to enact into statutory law the decalogue itself with itemized penalties. The Church, however, has had the influence upon the common law that does really, although not nominally, put these commandments into it.